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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2004

Tajikistan*

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* The present document is being issued without formal editing.

Please recycle

Initial report of the Republic of Tajikistan on the measures taken to implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

I. Introduction

1. After acceding to independence, on 26 October 1993, the Republic of Tajikistan ratified the Convention on the Rights of the Child, and with a view to implementing the Convention it undertook a series of necessary measures.

2. On 13 December 2000 the Majlis-i Namoyandagon, the lower chamber of the national parliament, the Majlis-i Oli, issued Decision No. 196, ratifying also the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO). On 19 June 2002, the two protocols to the Convention on the Rights of the Child, on the participation of children in armed conflict and on child trafficking, child prostitution and child pornography, were ratified. Since that time, Tajikistan has systematically taken all the necessary legislative measures to protect children from all forms of physical, psychological and sexual violence.

3. Article 10 of the Tajik Constitution states that international legal instruments recognized by Tajikistan are an integral part of the national legal system. When national statutes conflict with recognized international legal instruments, the provisions of the international legal instruments apply.

4. The Government of Tajikistan is committed to the international obligations it has assumed for the strict observance of human rights and freedoms and is particularly committed to meeting the requirements of the Optional Protocol to the Convention on the Rights of the Child.

5. The initial report of Tajikistan on the measures taken to implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (referred to in this report as the Optional Protocol) was drawn up by a working group comprised of representatives of the Executive Office of the President and other interested ministries and departments.

6. During the drafting of the report, consultations were held with international organizations and non-governmental organizations (NGOs). With the support of the country office of the United Nations Children's Fund (UNICEF) in Tajikistan, the draft report was presented in August 2016, with the participation of representatives of the executive and judicial branches, law enforcement agencies, the Office of the Commissioner for Human Rights (Ombudsman), academic circles and civil society organizations.

7. The working group wishes to thank the civil society organizations for their cooperation in drawing up this report.

II. General measures of implementation

8. Under article 34 of the Constitution, mothers and children are given special protection by the State.

9. The Criminal Code contains a number of articles criminalizing trafficking in persons, including minors, and for involving them in child prostitution and pornography.

Specifically, article 130[1] defines trafficking in persons as the recruitment, transportation, transfer, concealment or collection of persons for the purpose of their exploitation (including exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs and/or tissues), using threats of force or the use of force or by other means of coercion, abduction, fraud, deception or abuse of power, or by use of a position of vulnerability, or by purchase, using payments or benefits to obtain the consent of a person controlling another person.

10. At the same time, article 167 criminalizes trafficking in minors, which is defined as the purchase or sale of a person known to be a minor, regardless of the means and forms of coercion.

11. Article 166 of the Code provides for the criminal liability of persons over the age of 18 for involving minors in the systematic use of alcoholic beverages, the systematic, non-medical use of other potent or intoxicating substances, prostitution, vagrancy or begging.

12. Article 238 of the Criminal Code provides for liability for enticement into prostitution through the use or threat of the use of force or the use of a situation of dependency, blackmail or threats to destroy or damage property, or by means of deception.

13. Articles 239, 241, 241[1] and 241[2] of the Code provide for criminal liability for organizing or running brothels; for illegally preparing and/or transferring over the State border pornographic material or articles for distribution or public demonstration or advertisement; for illegally preparing and/or transferring over the State border pornographic material or articles with images of minors for distribution or public demonstration or advertisement; for using a minor to make pornographic materials or articles; for recruiting persons with a view to their sexual or other exploitation; and for illegal actions with a view to adoption of children or their placement under guardianship or for upbringing in families for mercenary or other base reasons.

14. To address the public danger caused by human trafficking and its possible social, political and economic consequences, and also to strengthen cooperation in combating this crime at the national, regional and international levels, on 29 May 2002 Tajikistan ratified the United Nations Convention against Transnational Organized Crime and its additional protocols to suppress and punish trafficking in persons, especially women and children, and against the smuggling of migrants by land, sea and air.

15. In 2008, the Government issued a decision establishing the National Commission on the Rights of the Child with a view to meeting the requirements of international law and the national legislation in this field.

16. To bring the national legislation into line with recognized international legal instruments, including those addressing the protection of children's rights, on 26 July 2014 the new Human Trafficking and Assistance for Trafficking Victims Act was adopted. The Act sets up the organizational and legal framework for combating trafficking in human beings and establishes measures for the protection and assistance of victims of trafficking and for their rehabilitation. It also governs actions taken by the authorities in these fields.

17. Under the law, trafficking is any act or transaction whereby children are illegally transferred by parents, other legal representatives or other persons (or groups of persons) who have permanent or temporary custody, to other persons (or group of persons), for material reward or other indemnification, with a view to their exploitation or to obtain financial or other benefits, or for illegal adoption, regardless of the means used.

18. Under the law, forced labour is any work or service performed by a person against his or her will and without consent, under coercion and/or owing to the exploitation of the

person's vulnerability, including work performed in violation of the labour protection, remuneration, health and safety standards established by the national legislation.

19. Furthermore, article 172 of the Code establishes liability for the illegal adoption of children and their transfer under the guardianship of families, or for upbringing by them, for mercenary or other base reasons.

20. The Majlis-i-Namoyandagon on 7 March 2012 issued Decision No. 710 ratifying the Agreement on Cooperation between the Ministries of Internal Affairs (Police) of the States of the Commonwealth of Independent States (CIS) in Combating Trafficking in Persons, signed in Saint Petersburg on 17 September 2010.

21. Under article 3 of the Agreement, the parties agree to cooperate in the following areas:

(1) Exchanging information of mutual interest relating to police work, investigation queries, statistics, criminal studies and other aspects, in particular on:

- Criminal acts in preparation or committed in the territory of one or more States parties;
- The natural or legal persons involved or suspected of involvement in trafficking in persons and their specific acts or actions; and
- Types of trafficking in persons and the methods used, including money laundering of income from the commission of such acts.

(2) Handling enquiries about the conduct of police investigations;

(3) Planning and carrying out coordinated actions to prevent, detect, suppress and reveal crimes related to human trafficking;

(4) Drawing up and implementing agreed-upon measures to prevent and suppress the use of the Internet for human trafficking;

(5) Searching for persons suspected of human trafficking and for missing persons when there are grounds to believe they are victims of trafficking;

(6) Exchanging experience, including through working events, consultations, meetings, conferences and seminars on combating human trafficking;

(7) Cooperating, through agreements, in training and upgrading the skills of staff in specialized units to combat trafficking in persons, including through temporary assignments;

(8) Exchanging information on legal enactments, scientific publications and teaching recommendations on combating human trafficking;

(9) Carrying out joint research on problems of mutual interest relating to actions against human trafficking.

22. The Commission on the Rights of the Child is a permanent body responsible for applying State policy to protect the rights and interests of children, to implement the country's legislation and to meet the international legal obligations of Tajikistan deriving from the Convention on the Rights of the Child and other international treaties on this subject. The Commission is guided in its work by the Constitution and other Tajik laws and regulations, the international instruments recognized by Tajikistan, including the Convention on the Rights of the Child, as well as regulations. The Commission was established to provide full protection of the rights and legitimate interests of children who need State assistance; to address the most complex issues related to the observance and

protection of the rights and interests of the child; and to provide legal, social, material and other assistance to families with children.

23. Implementation of the Optional Protocol is ensured by prosecutors' offices, the Ministry of Internal Affairs, the Ministry of Education and Science, the Ministry of Health and Social Welfare, the Ministry of Labour, Migration and Employment, the Committee for Youth, Sport and Tourism, the judiciary and other interested bodies, within their fields of competence. To implement the recommendations of the United Nations Human Rights Council for the protection of the rights and interests of minors, and to continue ongoing efforts to prevent juvenile delinquency, a crime prevention service for minors and young people has been established under the Ministry of Internal Affairs. It provides direct protection of the legitimate rights and interests of minors. To coordinate the activities of State bodies for the protection of the rights of the child, a department for the protection of children's rights was established in 2015 as part of the Executive Office of the President.

24. There are civil society institutions in Tajikistan that are active in fields related to the Optional Protocol. Such issues are also addressed by the media. Mechanisms have been set up to ensure coordination between State bodies and civil society for the periodic assessment of the Optional Protocol's implementation.

25. In April 2016, the post of Commissioner for Children's Rights (or Children's Rights Ombudsman) was established at the initiative of the President in order to ensure the respect, observance and promotion of children's rights and freedoms.

26. The Commissioner submits opinions about draft laws related to the rights of the child to ensure that they are in line with the Convention on the Rights of the Child and its Optional Protocols.

27. The Commissioner pays particular attention to informing the public, in particular children, about the Convention on the Rights of the Child, the Optional Protocol on the sale of children, child prostitution and child pornography, the national legislation in this field and offences involving the sale of children, child prostitution and child pornography, their harmful consequences and ways of preventing them.

28. The State party reports on implementation of the human rights conventions that have been ratified by Tajikistan are regularly published in the media and on the official website of the Commissioner for Human Rights. A link to the appropriate page of the Commissioner's site is provided on the official website of the Ministry of Foreign Affairs. The Office of the United Nations High Commissioner for Human Rights (OHCHR) assisted in the setting up of the website of the Government Commission on the Implementation of International Human Rights Obligations, which contains the international human rights instruments recognized by Tajikistan and all the recommendations of the United Nations treaty bodies, along with information on the status of implementation.

III. Prevention

29. Under the national law, the sale of children, child prostitution and child pornography are criminal offences. Chapter 18 of the Criminal Code is entitled "Crimes against sexual freedom or sexual integrity". It criminalizes offences against minors, including violent acts of a sexual nature (art. 139); sexual intercourse or other sexual acts with a person under 16 years of age (art. 141) and sexual abuse (art. 142). In addition, Chapter 20 of the Criminal Code (Offences against the family and minors) criminalizes crimes against minors such as inciting minors to commit offences (art. 165), involving minors in antisocial behaviour (art. 166) (where antisocial behaviour includes their involvement in the systematic consumption of alcohol, the systematic, non-medical use of other potent or intoxicating substances,

prostitution, vagrancy or begging carried out by a person who is over 18 years of age), trafficking in minors (art. 167), marrying off girls under the marriageable age (art. 168), production and distribution of pornographic material or articles with images of minors (art. 241[1]) and use of minors for the production of pornographic materials or articles (art. 141[2]).

30. Article 8 of the Act on Parental Responsibility for the Education and Upbringing of Children sets out that parents have a duty to prevent the involvement of their children in hazardous or arduous work that is harmful to their health or in other work that would prevent their normal physical and psychological development.

31. The Children's Rights Act was adopted in 2015 and sets out the legal basis for the protection of the rights of the child and State guarantees of their realization. A national plan of action was adopted and implemented for the reform of the juvenile justice system in the period 2010-2015. A series of measures for the development of the country's juvenile justice system were carried out as part of the implementation of the national plan of action for the reform of the administration of juvenile justice in the period 2010-2015 and in the context of the gradual implementation of judicial and legal reform programmes. A programme of judicial and legal reform for 2015-2017 was adopted by presidential decree on 5 January 2015. Under this programme, and to ensure the fair treatment of minors, full respect for their rights and interests and favourable conditions for them in initial inquiries and investigations and during the judicial consideration of administrative and criminal cases, there are plans for the establishment of juvenile courts, for the designation of judges within existing courts to hear the cases of juvenile offenders and for the improvement of the country's legislation, including the legislation on criminal procedure.

32. With the active cooperation of the UNICEF country office in Tajikistan, a number of measures have been implemented to develop a child-friendly justice system.

33. In 2012, in order to ensure public order and improve cooperation with the public, the Ministry of the Interior set up a hotline.

34. Issues related to violence against children, the identification of missing persons and illegal acts committed against minors are given the utmost attention and are closely followed up. All illegal acts committed against minors are subject to careful and thorough investigation, and the appropriate measures are taken to address them. In the first eight months of 2016, 279 cases of missing minors were registered. As a result of the work done to locate missing persons, 255 minors were returned to their families. Currently, 24 minors are missing.

35. Preventive measures and crackdowns are constantly carried out in order to keep minors from committing offences and criminal acts. In the first eight months of 2016, 1,988 operations were carried out under the codenames "Adolescent", "Homeless child" and "Panhandler", resulting in 8,472 juvenile offenders being detected and brought to municipal and district police stations. Among these, 2,287 were brought in for transience, 412 for begging, 275 for carting goods at markets, 329 for collecting fares in public transport, 381 for washing vehicles in unauthorized places, 1,289 for electronic gaming at computer centres during school hours and 3,499 for various other offences.

36. In accordance with article 90 of the Code of Administrative Offences, administrative reports were drawn up and cases referred to courts so that legal measures could be taken in respect of 10,268 parents and legal representatives of children for failure to carry out their child-rearing duties, as defined by the Act on Parental Responsibility for the Instruction and Education of Children.

37. In order to prevent juvenile delinquency, officials of State agencies carry out talks about the prevention of such phenomena and hold meetings with the public.

38. The Supreme Court's Judicial Training Centre plans events to improve judges' theoretical knowledge and practical skills and to improve their qualifications. Specifically, seminars and training sessions are planned to study international law and legislation related to the rights of minors.

IV. Prohibition and related matters

39. Tajikistan is adopting and strengthening normative legal acts to combat the sale of children, child prostitution and child pornography.

40. In Tajikistan, measures are being taken to implement State policy to: benefit particularly vulnerable categories of children, including neglected children; resolve issues relating to social support and social services for these children, prevent neglect, homelessness, delinquency and antisocial behaviour by minors and identify and eliminate the underlying reasons and circumstances that cause them to occur; ensure protection for the rights and legal interests of minors; provide social and educational rehabilitation for minors in precarious social circumstances, and detect and eliminate situations where minors are involved in the commission of crimes or in antisocial acts.

41. Individual prevention work is being undertaken. For example, activities are carried out to promptly identify minors and families in precarious social circumstances and to provide them with social and educational rehabilitation support and/or prevent them from committing crimes and engaging in antisocial activities. These activities are specifically conducted for the following categories of minors:

- Neglected or homeless children;
- Children engaged in vagrancy or begging;
- Children in social rehabilitation centres for minors, public shelters, centres for helping children without parental care, special educational and care centres and other institutions for minors in need of social assistance and/or rehabilitation;
- Children using narcotic or psychotropic substances without medical advice or using stupefying or alcoholic substances.

42. The organizations and departments of the neglect and juvenile delinquency prevention system are responsible for ensuring respect for the rights and legal interests of minors; protecting them from all forms of discrimination, physical or psychological violence, verbal abuse, ill-treatment, sexual or other exploitation; identifying minors and families in precarious social circumstances; and promptly informing the tutorship and guardianship authorities, law enforcement agencies and other State bodies of such cases.

43. In accordance with article 122 of the Family Code, the tutorship and guardianship authorities are also responsible for protecting the rights and interests of children in the event of the parents' death, restriction of parental rights, declaration of parents as incapable, illness or extended absence of the parents or the parents' refusal to raise their children or to protect their rights and interests, including their refusal to collect their children from educational, therapeutic, social welfare and other similar facilities, and in other instances where parental care is lacking. The tutorship and guardianship authorities identify children deprived of parental care, keep a register of such children and, in the light of the specific circumstances under which parental care has been lost, select the appropriate type of care for the children thus affected, and also ensure follow-up monitoring of the conditions in which such children are kept, raised and educated. Legal or physical persons other than the tutorship and guardianship authorities are not permitted to become involved in the identification or placement of children who do not have parental care. The local State

executive bodies are the tutorship and guardianship authorities. The Family Code and the Civil Code set out a procedure according to which the local State executive bodies responsible for the tutorship and guardianship of children lacking parental care determine the way they organize their work and carry out their activities.

44. Officials of institutions (preschool educational establishments, general education establishments and medical and other institutions) and other citizens who have information concerning the children mentioned in article 122 (1) of the Code are obliged to report such situations to the tutorship or guardianship agency in the locality where the child resides. Those authorities must, within three days of the receipt of such information, investigate the living conditions of the child and, should they establish that the child has been deprived of the care of parents or relatives, must ensure the protection of the child's rights and interests until such time as a decision has been reached on where the child will live.

45. Persons in charge of foster care, health-care and social welfare institutions and similar establishments where children left without parental care are resident are obliged within seven days of learning that a child may be placed with a family to bring this to the attention of the local tutorship and guardianship agency responsible for the institution in question.

46. The directors of institutions and heads of tutorship and guardianship agencies are liable to prosecution in accordance with the law if they fail to meet these obligations or if they intentionally provide false information or take other actions to illicitly keep a child from being transferred to a family for care.

47. Various measures are being taken in Tajikistan to increase public awareness of crimes involving the sale of children, child prostitution and child pornography, including the provision of information on the negative consequences of these crimes and ways to prevent them. These include:

- Information and awareness-raising activities carried out by State bodies (such as the Commissioner for Children's Rights and the Ministry of Internal Affairs), with postings on official websites, thematic sessions held at educational establishments, activities organized for the public and the placement of public service messages, etc.;
- Instruction in the relevant topics for students at general education establishments, in the framework of subjects entitled "Rights of the Child" and "Law";
- Approval by the Ministry of Education and Science of a study programme on the role of education workers in eliminating child labour and an extracurricular course on child labour and its consequences, in Tajik, to prepare single or double 90-minute exercises for children in grades 5 to 9;
- Information and awareness-raising activities by specialized non-profit organizations engaged in the protection of children's rights; and
- Publication of the relevant information in the media.

V. Protection, recovery and reintegration

48. All normative legal acts adopted by Tajikistan, including the Family Code, are consistent with the country's constitutional principles. The implementation of the law is underpinned by the priority given to the upbringing of children in a family setting, concern for children's well-being and development and the primacy given to the protection of the rights and interests of minors and family members who are unable to work, which is in line with the Universal Declaration of Human Rights. Specifically, in section 2, chapter 4 of the

Code is designed to protect the interests of children in the event of the dissolution of a marriage. It addresses judicial disputes between spouses concerning their children, irrespective of whether the marriage is dissolved with the civil registry office. Also, under articles 20 and 21, the marriage is to be dissolved in court proceedings if the spouses together have minor children. Under article 23, when the spouses together have minor children, the court is only authorized to dissolve the marriage if the spouses give their mutual consent. Under article 24, when a ruling is issued on the dissolution of a marriage, the judge also decides on the place of residence of any minor children and the procedure for the payment and the amount of child maintenance, etc.

49. In section 3 of the Family Code, chapter 7, on the property rights of spouses when dividing their common holdings, provides that the judge may allocate a larger share of the common property to one of the spouses on the basis of the interests of minor children (Family Code, arts. 38 (5) and 39 (2) and (5)).

50. In the placement of children lacking parental care, adoption is given priority. Intermediary dealings for the adoption of children, i.e., any activity by third parties to select or transfer children for adoption on behalf of, or in the interests of, persons wishing to adopt children, is prohibited. Only adult citizens of Tajikistan may adopt children.

51. In addition, article 57^{1} of the Family Code establishes the right of children to express their views freely in the family on all matters affecting their interests and their right to participate in judicial and administrative proceedings. It is mandatory to take account of the opinions of children aged 10 and over, except when this conflicts with their interests. Article 57^{1} (2) establishes that general education and preschool institutions, State bodies, civil society organizations and parents are obliged to create conditions for children to freely express their views in society and in the family.

52. The legislation in force, including the Family Code and the Code of Civil Procedure, provides for the right of the child to be heard in court proceedings relating to family matters.

53. In addition to governing the responsibilities of parents and persons in loco parentis, the Act on Parental Responsibility for the Education and Upbringing of Children of 2 August 2011, building on the Constitution, also provides for the protection and the rights and interests of children.

54. Article 174 of the Labour Code prohibits the employment of persons under 15 years of age, and article 146 provides that persons under the age of 21 may be employed only after a preliminary medical examination. The following articles of the Labour Code were amended with the adoption of a law on 26 December 2011: article 176, on the rights of minors in labour relations; article 177, on types of work in which the employment of persons under 18 is prohibited; article 180, on annual leave for workers under the age of 18; and article 181, on the prohibition against the use of workers under 18 for night work, overtime work, work on weekends, holidays or days of rest or work on travel assignments.

55. These norms establish that persons who have not attained the age of 18 have the same labour rights as adults. They prohibit the employment of persons under 18 in heavy work and work in hazardous or dangerous conditions and underground, as well as in forms of employment which may be harmful to their health or moral development or that involve the manual carriage of heavy loads (the list of such works is established by national laws); they also prohibit their employment in night and overtime work, work on weekends, holidays or days of rest or work on travel assignments. In addition to observing the standard procedures for cancellation of contracts, employers wishing to cancel the contract of a worker under 18 years of age may do so only with the consent of the State employment agency and the Commission for the Defence of the Rights of the Child.

56. On the basis of article 177 of the Labour Code, a list of jobs considered dangerous for children under the age of 18 was drawn up with the social partners, with technical support from the ILO International Programme for the Elimination of Child Labour (IPEC). On 4 March 2014, Government Decision No. 169 was issued, presenting the list of types of employment with harmful or dangerous working conditions in which the employment of persons under 18 years of age is prohibited and establishing limits for the manual lifting and carriage of heavy loads. The decision includes standards for bringing an end to the hiring of children in informal labour relations and for defending their rights at work. The adoption of the decision makes it possible for such persons, when hired, to enjoy a higher level of protection of their labour rights, as it establishes favourable working conditions for them.

57. With the adoption of the new version of the Code of Criminal Procedure, innovations were introduced into criminal proceedings so as to ensure transparency, simplify investigation procedures, provide for the legal equality of participants and address other aspects of such proceedings.

58. Chapter 44 of the Code of Criminal Procedure is a separate chapter that addresses procedures in cases involving offences carried out by minors. Thus, when an application is made for remand in custody of a minor suspected or accused of an offence, the participation of defence counsel is mandatory from the moment of the indictment, as well as in court, regardless of whether the defendant has reached the age of majority by that time.

59. However, remand in custody may not be used as a preventive measure in respect of a juvenile suspected or convicted of having committed a minor or ordinary offence. Such preventive measures may be applied exceptionally in cases of serious or especially serious offences, and when the crime is characterized by the elements listed in articles 92, 93, 101, 102 and 111 of the Code.

60. A government decision of 29 April 2009 approved a legal training and education programme for the public, for the period 2009-2019. The main objectives of the programme are: to strengthen legal literacy, patriotism, a sense of responsibility and respect for the Constitution and the legislation in force; to promote democratic values and the unity of civil and human rights, freedoms and duties; and to ensure that the public is politically active in the country.

61. The Children's Rights Act was adopted on 18 March 2015. It defines the legal framework for the protection of the rights of the child and for State guarantees of the realization of those rights. Articles 28 and 29 of the Act stipulate that the State shall provide children with exposure to the country's culture, history and traditions, to the spiritual values of the peoples of Tajikistan and to the achievements of world culture by making available the use of libraries, exhibition halls and museums and by setting up a network of special children's cultural institutions and educational establishments.

62. Activities propounding a cult of cruelty and violence in the media, literature, entertainment or in cultural events and the dissemination of pornography and information that is insulting to human dignity or harmful to the upbringing of children are prohibited. State bodies, parents and other legal representatives of children and physical and legal persons have the responsibility to protect children from the pernicious effects of the social and information environment and from information, alcoholic beverages, tobacco products, narcotics and psychotropic substances that would be harmful to their health or moral and spiritual development. The exhibit, sale, donation, photocopying or rental to children of toys, films, videos or audiocassettes, works of literature, publications and newspapers or other media with the purpose of spreading racial, national, social or religious hatred, of warmongering or regionalism, or which call for the violent overthrow of the country's constitutional order, is prohibited. It is prohibited to involve children in vagrancy, begging

or prostitution or to produce, advertise or sell to children materials, photographs or images or publications or films and videos with shameful or pornographic content.

63. Children are entitled to protection from abuse by their parents or persons in loco parentis. Where a child's rights and legitimate interests are infringed, including in cases where the parents (or a parent) fails to perform, or to properly perform, their duties for the upbringing and education of the child, children have the right independently to apply for protection from the tutorship and guardianship service and, if the child has reached the age of 14, from a court. Regarding the use of violence in schools, we should like to point out that article 26 (3) of the Education Act stipulates that discipline is to be maintained in schools on the basis of respect for the honour and dignity of pupils, students and teachers. The use of physical violence or psychological abuse against them is prohibited. Article 41 (15) and (16) of the Act establish that educators are obliged to observe pedagogical ethics and morality, to respect the rights, dignity and standing of children and students and to protect children and adolescents from all forms of physical violence or psychological abuse.

64. To ensure that the laws relating to minors are implemented, the central administration of the Procurator's Office has a special unit for this purpose, and at the same time, the provincial, municipal and district prosecutors' offices too have departments or groups of prosecutors providing such supervision. In implementing this prosecutorial supervision, special attention is paid to the observance of the rights and interests of children who are in conflict with the law and who face criminal prosecution or proceedings for administrative offences.

65. The Act on Parental Responsibility for the Education and Upbringing of Children was adopted on 2 August 2011. It is aimed at strengthening parental responsibility for teaching and raising children in a spirit of humanism, patriotism and respect for national, universal and cultural values and for protecting the rights and interests of the child.

66. Staff of State agencies regularly hold presentations and talks for the public to clarify legal standards. In 2015 and the first three months of 2016 alone, staff of the prosecutors' offices held 2,116 presentations and talks for the public. Supervision of the implementation of this Act is one of the priorities of the procuratorial bodies. Upon verification, it was found that 2,243 people were the subjects of disciplinary or administrative proceedings and 590 criminal cases had been initiated, including 191 under article 164 of the Criminal Code (Prevention of basic compulsory general education). Other statistics are attached.

VI. International assistance and cooperation

67. In addition to the 1989 Convention on the Rights of the Child and its Optional Protocol, Tajikistan has also become a party to these other international legal instruments:

- The International Convention on the Elimination of all Forms of Discrimination against Women, of 1979;
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, of 1949;
- The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, of 1990;
- The Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, taking into account the development of labour relations in the country's labour market;
- The Convention against Transnational Organized Crime and the Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children, and against the Smuggling of Migrants by Land, Sea and Air. It has also signed on to a number of other international documents.

68. In order to effectively combat the worst forms of child labour, including the sale of children, child prostitution and child pornography, Tajikistan has ratified the following ILO conventions: in November 1993, the Minimum Age Convention, 1976 (No. 138); in May 2005, the Worst Forms of Child Labour Convention, 1999 (No. 182); and in November 1993, the Forced Labour Convention, 1930 (No. 29).

69. After the adoption of the new Human Tratficking and Assistance for Trafficking Victims Act, the Government ordered the establishment of a joint working group composed of representatives of government ministries and departments, the International Organization for Migration and non-governmental and voluntary organizations to draw up and bring into effect the corresponding laws to prevent human trafficking, to criminally prosecute such acts, to protect and assist trafficking victims and to strengthen partnerships in combating human trafficking.

70. On 28 July 2012, a national Interdepartmental Coordination Council for the Elimination of the Worst Forms of Child Labour was established on the basis of ILO Conventions Nos. 182, 138 and 29, with the aim of giving effect to those instruments. The Council coordinates all activities for the elimination of the worst forms of child labour at the national level.

71. The National Programme for 2015-2020 to Eradicate the Worst Forms of Child Labour in Tajikistan was adopted by Government Decision No. 690 of 31 October 2014 and has become an important strategic document for reducing and preventing the involvement of children in the worst forms of child labour, including trade in children, child prostitution and child pornography. It was drawn up with technical and financial support from the ILO programme, IPEC.

72. A government decision of 3 March 2002 approved rules for the creation of human trafficking victim support and assistance centres. The decision defines the procedures, conditions and basic requirements for establishing such centres. In accordance with the requirements of the legislation in force, several such centres have now been set up in the country. Among these, the centres in the cities of Khujand and Dushanbe receive funding from the International Organization for Migration. Also, with the financial support of the Government of the United States of America, a centre to combat human trafficking was built for the organized crime control unit of the Ministry of Internal Affairs.

73. With the support of ILO-IPEC, the following have been set up to effectively combat and prevent the worst forms of child labour, including the sale of children, child prostitution and child pornography:

- In 2009, a child labour monitoring unit has been established within the Tajikistan Centre for Adult Education. The unit carries out methodological work and training activities and identifies children involved in child labour and in the worst forms thereof, and removes them from such situations. It collects information on child labour through a monitoring system and disseminates information on good practices in this field. The specialists of this unit serve as the secretariat for the Interdepartmental Coordination Council for the Elimination of the Worst Forms of Child Labour;
- Child labour monitoring committees have been set up at the local government level; they are chaired by the heads of the local government administrations. Child labour monitoring committees have been set up in the cities of Dushanbe, Kulob, Khorugh and Isfara and in Shughnon and Ghafurov districts;

- A "child labour and education" resource centre has been established in the Education and Science Workers Trade Union Committee. It carries out research, trains supervisory staff, holds seminars and conferences, draws up documentation, issues publications and disseminates information on the worst forms of child labour, including the sale of children, child prostitution and child pornography;
- A resource centre on child labour issues and the worst forms of child labour in agriculture was established by the Employers' Association of Tajikistan. It collects and disseminates information on hazardous forms of child labour in agriculture and holds awareness-raising and training events for members of the Employers' Union.

74. The question of acceding to the Council of Europe Convention on Action against Trafficking in Human Beings is being given priority consideration as a means of developing a legal framework to protect individuals from crimes of this nature, including within the framework of the regional associations to which Tajikistan belongs. The Programme for Cooperation among the Member States of the Commonwealth of Independent States to Combat Human Trafficking 2014-2018 was approved by a resolution of the Council of CIS Heads of State of 25 October 2013. Sub-item 1.5 of the Programme calls for CIS member States during the period 2014-2015 to accede to, or ensure that the necessary internal procedures are introduced to allow for the entry into force of, the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005.

75. Tajikistan is actively involved in United Nations activities to prevent and combat trafficking in persons.

76. The spread on the Internet of pornographic materials with images of minors is being addressed in particular under the auspices of the Collective Security Treaty Organization (CSTO), Interpol, the CIS and other international and regional organizations, with the aim of implementing initiatives to develop and improve the exchange of information in the fight against crimes in the sphere of information technology and preventing the Internet from being used for illegal ends.

77. Tajikistan shares the aims and objectives of the Action Plan to Combat Trafficking in Human Beings of the Organization for Security and Cooperation in Europe (OSCE) and its supplementary documentation on the prevention of the sale of children.

78. Tajikistan takes part in the international activities on the prevention of human trafficking carried out by the International Organization for Migration.

79. After ratifying the Optional Protocol, Tajikistan concluded the following international treaties in order to enhance international cooperation:

- The Agreement on Cooperation among States Members of the Commonwealth of Independent States regarding the Return of Minors to the States of their Permanent Residence, of 7 October 2002;
- The Agreement between the Republic of Tajikistan and the Republic of India on Legal Assistance in Criminal Matters, of 10 May 2001, which entered into force in 1 October 2003;
- The Chisinau Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, of the CIS, of 7 October 2002;
- The Agreement between the Government of the United States of America and the Government of the Republic of Tajikistan regarding the Surrender of Persons to the International Criminal Court, of 26 August 2002;
- The Agreement between the Republic of Tajikistan and the Islamic Republic of Afghanistan on the Extradition of Convicted Persons, of 27 June 2006;

- The Agreement between the Government of Tajikistan and the Government of the United Arab Emirates on Legal Assistance in Criminal Matters, of 4 April 2007;
- The Agreement between the Government of Tajikistan and the Government of the United Arab Emirates on Extradition, of 4 April 2007;
- The Agreement between the Republic of Tajikistan and the Islamic Republic of Iran on Extradition, of 4 January 2010;
- The Agreement among the Governments of the member States of the Shanghai Cooperation Organization on Cooperation in Combating Crime, of 11 June 2010;
- The Agreement between the Republic of Tajikistan and the People's Republic of China on the Extradition of Convicted Persons, of 13 September 2014;
- The Agreement between the Government of the Republic of Tajikistan and the Government of the Republic of Latvia on Cooperation in Combating Terrorism, Organized Crime and the Illicit Traffic in Narcotic Drugs, Psychotropic Substances and their Precursors, and Other Offences, of 10 June 2014;
- The Agreement between the Government of the Republic of Tajikistan and the Government of the Republic of Kyrgyzstan on Legal Assistance and Cooperation, of 27 August 2015;
- The Agreement between the Government of the Republic of Tajikistan and the Government of the Islamic Republic of Pakistan on Extradition, of 12 November 2015;
- The Agreement between the Government of the Republic of Tajikistan and the Government of the Kingdom of Saudi Arabia on Cooperation in Combating Organized Crime, of 3 January 2016.

80. In order to improve cooperation among CIS member States in combating human trafficking, the secretariat and the Scientific Research Centre of the Coordinating Council of Procurators General of CIS Member States devised and adopted the Programme for Cooperation among the Member States of the Commonwealth of Independent States to Combat Human Trafficking 2014-2018. The Programme sets out a range of measures based on the principles and norms of international law, model legislation of CIS member States, an analysis of the root causes of crime and forecasts of how the situation will develop in the CIS, and the results of research into the practice of combating trafficking in persons, including children. The main tasks of the programme include: further expanding and strengthening the international legal basis for cooperation among CIS member States, improving and harmonizing their national legislation in the area of preventing trafficking in humans, including children, and providing assistance to victims; undertaking agreed procedural activities, preventative and operational investigation measures and special operations; managing the informational and scientific aspects of cooperation; and cooperating in the training of staff and improving specialists' qualifications.

81. On the basis of the international treaties concluded among CIS member States, principally the Agreement on Cooperation between the CIS Member States in the Fight against Trade in Human Beings, Organs and Tissues of Human Origin, the Interparliamentary Assembly of the States members of the Commonwealth of Independent States has adopted model laws for CIS member States to combat human trafficking and provide assistance to trafficking victims, along with recommendations for unifying and harmonizing the legislation of the CIS member States addressing human trafficking. They contain separate sections on the protection of the rights of child victims of human trafficking and on the prevention of sexual and other forms of exploitation of such children.

82. In 2009, the CIS Interparliamentary Assembly adopted a model law for CIS member States on the protection of children from information that may be harmful to their health and development. The aims are for the member States to achieve the goals set out in their legislation and the objectives of their State information policy, for their legislation to be harmonized and for international cooperation in the area of ensuring information security for minors to be strengthened. The task it sets out is the introduction of unified legislative guarantees and organizational and legal mechanisms to protect children from information that may be harmful to their physical and psychological health and their moral, spiritual, psychological, physical and social development, including via the spread of print, audio and audiovisual materials and electronic and computer games that promote pornography and that facilitate their involvement in human trafficking.

Annex 1

Crimes against children, 2011 to the first six months of 2016

Article of the Criminal Code	*2011*	*2012*	*2013*	*2014*	*2015*	*First 6 months, 2016*
Rape (art. 138)	16	8	18	9	18	9
Violent acts of a sexual nature (art. 139)	17	20	15	18	33	15
Sexual intercourse or other sexual acts with a person under 16 years of age (art. 141)	48	56	56	59	106	62
Sexual abuse (art. 142)	7	15	19	6	25	36
Refusal of a child's participation in the nine years of compulsory general education (art. 164)		40	70	34	102	110
Inciting minors to commit offences (art. 165)	6	12	15	14	41	21
Trafficking in minors (art. 167)		17	10	9	14	6
Marrying off girls under the marriageable age (art. 168)	15	30	43	12	50	10
Marrying a person under the marriageable age (art. 169)	10	22	33	16	35	10
Substitution of a child (art. 171)						
Illegal adoption (art. 172)					1	
Enticement into prostitution (art. 238)		2	2	2	3	

Annex 2

Offences under article 167 of the Criminal Code, by region, 2012 to the first six months of 2016

	Region	*2012*	*2013*	*2014*	*2015*	*First 6 months of 2016*
1	Dushanbe	6	4	1	3	
2	Centrally administered districts	2	3	5	1	
3	Khatlon	4			7	3
4	Sughd	5	3	3	3	3
5	Gorno-Badakhshan Autonomous Region					
	Total	**17**	**10**	**9**	**14**	**6**

Annex 3

Offences committed by juveniles, 2012-2015

1. In 2012, 538 minors were convicted of committing offences, including 34 females. The offences included:

- 10 offences under articles 104-107 of the Criminal Code (homicide; infanticide committed by the mother; manslaughter under heavy emotional duress; manslaughter as a result of the use of force exceeding that required for self-defence or for the detention of a person who has committed an offence);
- 10 offences under articles 110-111 of the Criminal Code (grievous bodily harm with intent, moderate bodily harm with intent);
- 8 offences under articles 196-199 of the Criminal Code (illegal manufacture of weapons, negligence in storing weapons, improper performance of duties to ensure the safe keeping of weapons, ammunition, explosives and explosive devices, theft of weapons, ammunition, explosives and explosive devices);
- 5 offences under article 200 of the Criminal Code (illicit trafficking in narcotic drugs or psychotropic substances for sale);
- 2 offences under article 201 of the Criminal Code (illegal transactions involving narcotic drugs or psychotropic substances);
- 8 offences under article 212 of the Criminal Code (violation of the traffic and vehicle use regulations);
- 52 offences under article 237 of the Criminal Code (hooliganism);
- 248 offences under article 244 of the Criminal Code (theft);
- 5 offences under article 247 of the Criminal Code (fraud);
- 25 offences under article 248 of the Criminal Code (robbery);
- 3 offences under article 249 of the Criminal Code (aggravated theft);
- 4 offences under article 252 of the Criminal Code (extortion); and
- 48 criminal cases that were examined under the other articles of the Criminal Code.

2. Of the total number of criminal cases considered, 363 led to sentencing, 44 were discontinued and 7 were sent for further investigation.

3. In 2013, 548 minors were convicted, including 22 females. The offences included:

- 5 offences under articles 104-107 of the Criminal Code (homicide; infanticide committed by the mother; manslaughter under heavy emotional duress; manslaughter as a result of the use of force exceeding that required for self-defence or for the detention of a person who has committed an offence);
- 15 offences under articles 110-111 of the Criminal Code (grievous bodily harm with intent, moderate bodily harm with intent);
- 3 offences under article 138 of the Criminal Code (rape);
- 3 offences under articles 196-199 of the Criminal Code (illegal manufacture of weapons, negligence in storing weapons, improper performance of duties to ensure

the safe keeping of weapons, ammunition, explosives and explosive devices, theft of weapons, ammunitions, explosives and explosive devices);

- 7 offences under article 200 of the Criminal Code (illicit trafficking in narcotic drugs or psychotropic substances for sale);
- 3 offences under article 201 of the Criminal Code (illegal transactions involving narcotic drugs or psychotropic substances);
- 7 offences under article 212 of the Criminal Code (violation of the traffic and vehicle use regulations);
- 72 offences under article 237 of the Criminal Code (hooliganism);
- 1 offence under articles 238-239 of the Criminal Code (enticement into prostitution, organizing or running brothels, procurement for or profiting from prostitution);
- 240 offences under article 244 of the Criminal Code (theft);
- 5 offences under article 247 of the Criminal Code (fraud);
- 25 offences under article 248 of the Criminal Code (robbery);
- 4 offences under article 249 of the Criminal Code (aggravated theft);
- 1 offence under article 250 of the Criminal Code (extortion); and
- 62 criminal cases that were examined under the other articles of the Criminal Code.

4. Of the total number of criminal cases considered, 394 led to sentencing, 46 were discontinued and 3 were sent for further investigation.

5. In 2014, 464 minors were convicted, including 22 females. The offences included:

- 4 offences under articles 104-107 of the Criminal Code (homicide; infanticide committed by the mother; manslaughter under heavy emotional duress; manslaughter as a result of the use of force exceeding that required for self-defence or for the detention of a person who has committed an offence);
- 30 offences under articles 110-111 of the Criminal Code (grievous bodily harm with intent, moderate bodily harm with intent);
- 6 offences under article 138 of the Criminal Code (rape);
- 4 offences under articles 196-199 of the Criminal Code (illegal manufacture of weapons, negligence in storing weapons, improper performance of duties to ensure the safe keeping of weapons, ammunition, explosives and explosive devices, theft of weapons, ammunitions, explosives and explosive devices);
- 6 offences under article 200 of the Criminal Code (illicit trafficking in narcotic drugs or psychotropic substances for sale);
- 3 offences under article 201 of the Criminal Code (illegal transactions involving narcotic drugs or psychotropic substances);
- 5 offences under article 212 of the Criminal Code (violation of the traffic and vehicle use regulations);
- 81 offences under article 237 of the Criminal Code (hooliganism);
- 1 offence under articles 238-239 of the Criminal Code (enticement into prostitution, organizing or running brothels, procurement for or profiting from prostitution);
- 221 offences under article 244 of the Criminal Code (theft);

- 2 offences under article 247 of the Criminal Code (fraud);
- 17 offences under article 248 of the Criminal Code (robbery);
- 2 offences under article 249 of the Criminal Code (aggravated theft);
- 1 offence under article 250 of the Criminal Code (extortion);
- 5 offences under article 252 of the Criminal Code (unlawful taking of a motor (road) or other vehicle without intent to steal); and
- 39 criminal cases that were examined under the other articles of the Criminal Code.

Of the total number of criminal cases considered, 327 led to sentencing, 89 were discontinued and 1 was sent for further investigation.

7. In 2015, 419 minors were convicted, including 15 females. The offences included:

- 1 offence under articles 104-107 of the Criminal Code (homicide; infanticide committed by the mother; manslaughter under heavy emotional duress; manslaughter as a result of the use of force exceeding that required for self-defence or for the detention of a person who has committed an offence);
- 14 offences under articles 110-111 of the Criminal Code (grievous bodily harm with intent, moderate bodily harm with intent);
- 1 offence under article 130 of the Criminal Code (abduction);
- 3 offences under article 138 of the Criminal Code (rape);
- 3 offences under articles 196-199 of the Criminal Code (illegal manufacture of weapons, negligence in storing weapons, improper performance of duties to ensure the safe keeping of weapons, ammunition, explosives and explosive devices, theft of weapons, ammunitions, explosives and explosive devices);
- 8 offences under article 200 of the Criminal Code (illicit trafficking in narcotic drugs or psychotropic substances for sale);
- 8 offences under article 212 of the Criminal Code (violation of the traffic and vehicle use regulations);
- 59 offences under article 237 of the Criminal Code (hooliganism);
- 1 offence under articles 238-239 of the Criminal Code (enticement into prostitution, organizing or running brothels, procurement for or profiting from prostitution);
- 203 offences under article 244 of the Criminal Code (theft);
- 2 offences under article 247 of the Criminal Code (fraud);
- 12 offences under article 248 of the Criminal Code (robbery);
- 2 offences under article 249 of the Criminal Code (aggravated theft);
- 1 offence under article 250 of the Criminal Code (extortion);
- 8 offences under article 252 of the Criminal Code (unlawful taking of a motor (road) or other vehicle without intent to steal); and
- 41 criminal cases that were examined under the other articles of the Criminal Code.

8. Of the total number of criminal cases considered, 300 led to sentencing, 29 were discontinued and 1 was sent for further investigation.

Annex 4

Human trafficking from 2010 to the first 8 months of 2016

	Article of the Criminal Code (title)	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*First 8 months of 2016*
1	Article 130 (3) (c) (abduction)	7	6	6	12	8	13	3
2	Article 130[1] (human trafficking)	6	6	3	7	25	15	8
3	Article 130[2] (use of slave labour)							
4	Article 131 (3) (b) (illegal deprivation of liberty)							
5	Article 132 (recruitment of persons for exploitation)	14	2	7	29	14	15	11
6	Article 167 (trafficking in minors)	16	24	17	10	9	14	7
7	Article 241[1] (production and distribution of pornographic material or articles with images of minors)							
8	Article 241[2] (use of minors for the production of pornographic materials or articles)							
9	Article 335[1] (arranging for the illegal entry of foreign citizens into Tajikistan or illegal transit through the country)							2
10	Article 335[2] (arranging for illegal migration)					2	2	
11	Article 339 (3) (theft or vitiation of documents, stamps or seals)							
12	Article 340 (3) (acts covered by parts 1 and 2 of this article carried out with the intent of human trafficking)							
	Total:	**43**	**38**	**33**	**58**	**58**	**59**	**31**

Offences under article 130[1] (trafficking in humans) of the Criminal Code

	Region	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*
1.	Dushanbe	3	3	2		2		4
2.	Centrally administered districts		1		1	1		1
3.	Khatlon	2		1				
4.	Sughd	1	2		6	22	9	3
5.	Gorno-Badakhshan Autonomous Region						6	
	Total	**6**	**6**	**3**	**7**	**25**	**15**	**8**

Persons accused under article 130[1] (human trafficking), by age

	2010	*2011*	*2012*	*2013*	*2014*	*2015*	*2015*
Total	**11**	**6**	**4**	**4**	**18**	**6**	**5**
Women	5	6	3	4	12	5	5
20-30 years	2	3	1	1	5		1
30-40 years	2	2	2	3	5	2	2
40-50 years	1	1			2	3	2
Men	6		1	6	1		

Age and sex of victims

	2010	*2011*	*2012*	*2013*	*2014*	*2015*	*2015*
Total	**8**	**6**	**3**	**7**	**36**	**11**	**9**
Women	8	6	3	6	36	11	8
Under 20 years	3			1			
20-30 years	3	5	3		30	2	7
30-40 years	2	1		5	6	7	1
40-50 years						2	
Men							1

Offences under article 132 (recruitment of persons for exploitation)

Region	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*
1. Dushanbe	4	2	3	10	4	2	6
2. Centrally administered districts			1				
3. Khatlon	7			4	6		
4. Sughd	3		3	15	4	10	4
5. Gorno-Badakhshan Autonomous Region						3	
Total	**14**	**2**	**7**	**29**	**14**	**15**	**11**

Persons accused under article 132 (recruitment of persons for exploitation), by sex and age

	2010	*2011*	*2012*	*2013*	*2014*	*2015*	*2015*
Total	**17**	**3**	**7**	**15**	**14**	**13**	**10**
Women	5	3	6	12	12	9	9
Under 20 years	2	1					
20-30 years	2		1	3		2	
30-40 years	1	1	5	7	4	4	5
40-50 years		1		2	5	5	1
Men	12		1	3	2	4	1

Age and sex of victims

	2010	2011	2012	2013	2014	2015	2015
Total	**23**	**3**	**9**	**29**	**14**	**17**	**11**
Women	12	3	9	29	13	17	11
Under 20 years	2		1	3		2	
20-30 years	6	2	6	22	9	13	9
30-40 years	4	1	2	4	3		
40-50 years						2	2
Men	11				1		

Offences under article 167 (trafficking in minors)

Region	2010	2011	2012	2013	2014	2015	2016
1. Dushanbe	2	5	6	4	1	3	
2. Centrally administered districts							
3. Khatlon	7	8	4			7	3
4. Sughd	4	8	5	3	3	3	4
5. Gorno-Badakhshan Autonomous Region	3	3	2	3	5	1	
Total	**16**	**24**	**17**	**10**	**9**	**14**	**7**

Persons accused under article 167, by age and sex

	2010	2011	2012	2013	2014	2015	2015
Total	**36**	**48**	**35**	**17**	**14**	**28**	**16**
Women	33	42	33	14	12	26	15
Under 20 years	2	2	3				
20-30 years	11	15	10	10	5	14	12
30-40 years	10	11	7	4	3	8	3
40-50 years	7	10	7		2	2	
over 50 years	3	4	6		1	2	
Men	3	6	2	3	2	2	1

Age and sex of victims

	2010	2011	2012	2013	2014	2015	2016
Total	**21**	**20**	**14**	**10**	**9**	**14**	**7**
Newborn	13	13	10	9	9	14	5
1-2 months	4	2	1	1			
6 months	4	1	1	1			
1 year		1	1				
2 years		1	1				
3 years		2					1

In 2010, five victims of human trafficking were returned to Tajikistan, including one minor returned from the Russian Federation and four victims from Dubai:

- 2011 — 3 human trafficking victims returned from Dubai;
- 2012 — 2 human trafficking victims returned from Dubai;
- 2013 — 5 human trafficking victims returned from Dubai;
- 2014 — 8 human trafficking victims returned from Dubai;
- 2015 — 13 human trafficking victims returned from Dubai;
- In the first eight months of 2016: 4 human trafficking victims returned from Dubai.

United Nations CRC/C/OPSC/TJK/CO/1

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Committee on the Rights of the Child

Concluding observations on the report submitted by Tajikistan under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

I. Introduction

1. The Committee considered the report of Tajikistan (CRC/C/OPSC/TJK/1) at its 2228th meeting (see CRC/C/SR.2228), held on 14 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPSC/TJK/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations on the combined third to fifth periodic reports submitted by the State party under the Convention (CRC/C/TJK/CO/3-5), and on the report of the State party submitted under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/TJK/CO/1), both adopted on 29 September 2017.

II. General observations

Positive aspects

4. The Committee welcomes the various measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including:

(a) The adoption of amendments to the Criminal Code introducing new offences in line with the Optional Protocol;

(b) The adoption of the Children's Rights Act (2015);

(c) The adoption of the Human Trafficking and Assistance for Trafficking Victims Act (2014);

(d) The ratification of the Agreement on Cooperation between the Ministries of Internal Affairs (Police) of the States of the Commonwealth of Independent States in Combating Trafficking in Persons (2010);

* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).

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(e) The ratification of the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182) in June 2005;

(f) The entering into an international assistance and cooperation agreement with the International Organization for Migration to, among other things, counter trafficking.

5. The Committee further notes with appreciation the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the establishment of the Commissioner for Children's Rights in 2016 and the national plan to combat trafficking in persons in Tajikistan 2016-2018.

III. Data

Data collection

6. The Committee is concerned about the insufficient steps taken to establish a systematic mechanism of data collection, analysis and monitoring of all areas covered by the Optional Protocol.

7. **The Committee recommends that the State party develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment on all areas covered by the Optional Protocol. The data should be disaggregated, inter alia, by sex, age, nationality and ethnic origin, region and socioeconomic status, with particular attention paid to children who are at risk of becoming victims of crimes under the Optional Protocol. Data should also be collected on the number of prosecutions and convictions, disaggregated by the nature of the offence and utilized for policy decisions, impact assessments and the monitoring of progress on the implementation of the Optional Protocol. In that regard, the Committee recommends that the State party seek technical support from, inter alia, the United Nations Children's Fund.**

IV. General measures of implementation

A. Legislation

8. The Committee welcomes the legislative developments in the State party, as mentioned in paragraph 4 above. The Committee is, however, concerned that the legislation of the State party does not cover all elements of offences under articles 2 and 3 of the Optional Protocol, including the sale of children — a concept that is similar, but not identical, to trafficking in children — and, in particular, the sale of children for the transfer of organs, procuring child prostitution, and possessing child pornography.

9. **The Committee recommends that the State party ensure that all offences under the Optional Protocol are fully covered under its criminal law, including all forms of the sale of children, child prostitution and child pornography.**

B. Comprehensive policy and strategy

10. The Committee is concerned that the State party has not developed a comprehensive policy and strategy on the rights of the child under the Optional Protocol.

11. **The Committee recommends that the State party develop a comprehensive policy and strategy on the rights of the child, encompassing all children and all issues covered under the Optional Protocol, allocate suitable human and financial resources for their implementation and, in doing so, take into account the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

C. Coordination and evaluation

12. The Committee notes with appreciation the involvement of many entities in the implementation of the Optional Protocol, working within their fields of competence. The Committee is concerned, however, at the lack of information about the entity in charge of coordinating the implementation of the Optional Protocol.

13. **With reference to paragraph 7 of its concluding observations under the Convention, the Committee recommends that the State party ensure better coordination between the various ministries, agencies and committees working on developing and implementing child rights policies relevant to the Optional Protocol.**

D. Dissemination, awareness-raising and training

14. The Committee notes that law enforcement officials carry out awareness-raising activities on the prohibition and negative consequences of child marriages. However, the Committee regrets the limited dissemination, awareness-raising and training activities on the Optional Protocol.

15. **The Committee recommends that the State party develop and implement awareness-raising programmes, campaigns and dissemination and training activities to ensure that the provisions of the Optional Protocol are widely known by the general public, in particular parents and children, government officials and professionals working with and for children.**

E. Allocation of resources

16. The Committee is concerned about the absence of information regarding the resources allocated to implement the Optional Protocol.

17. **The Committee recommends that the State party identify budget lines for the implementation of the Optional Protocol, ensuring the allocation of adequate resources, and present information in that regard in its next periodic report to the Committee.**

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

A. Measures adopted to prevent offences prohibited under the Optional Protocol

18. The Committee is seriously concerned about the insufficient measures carried out by the State party to prevent children falling victim to offences prohibited under the Optional Protocol. In particular, the Committee is concerned that:

(a) The State party lacks sufficient programmes that specifically target children in vulnerable and marginalized situations;

(b) There are insufficient mechanisms in place to identify and monitor children at risk of becoming victims to offences under the Optional Protocol;

(c) There is insufficient information on the scale of the sale of children, the exploitation of children in prostitution and pornography in the State party;

(d) There are allegations of the transport of victims across borders that are not investigated owing to corruption;

(e) Measures to identify and address the root causes and incidence of offences under the Optional Protocol remain limited.

19. **The Committee urges the State party to adopt a consistent human rights-based approach for all activities conducted, in order to prevent the occurrence and reoccurrence of offences prohibited under the Optional Protocol, and recommends that the State party:**

(a) **Adopt comprehensive and targeted protection and prevention measures and programmes for those children at risk of falling victim to offences under the Optional Protocol, including children living in poverty, children engaged in child labour, child victims of prostitution, child spouses and children living in street situations;**

(b) **Strengthen its efforts to identify, report and support children who are at risk of becoming victims, or are victims, of offences under the Optional Protocol;**

(c) **Carry out research on the nature and scale of the sale of children and the exploitation of children in prostitution and pornography;**

(d) **Adopt the necessary measures to prevent and combat corruption in cases related to offences under the Optional Protocol;**

(e) **Intensify measures to identify, analyse and effectively address the root causes of offences under the Optional Protocol.**

B. Forced labour

20. The Committee is concerned at the limited information provided to it on the measures adopted by the State party to eliminate child forced labour, particularly in the annual cotton harvest.

21. **The Committee recommends that the State party adopt appropriate measures to prevent the sale of children for the purpose of child forced labour, particularly in the agriculture sector, and that it effectively enforce the legal framework prohibiting forced labour.**

C. Measures to prevent and address online child sexual exploitation and abuse

22. The Committee notes that there are two entities in the State party responsible for addressing cybercrime. It is concerned, however, by the paucity of information provided by th2873e State party on the measures to prevent and address online child sexual exploitation and abuse, including the lack of information on awareness-raising programmes for children on the responsible use of information and communications technologies and online child sexual exploitation.

23. **The Committee recommends that the State party adopt the necessary legal and other measures to prevent and address online child sexual exploitation and abuse. It calls on the State party to ensure that the strategy focuses on awareness-raising and the education of children on the responsible use of information and communications technologies and online child sexual exploitation, and not on the punishment of children.**

D. Programmes targeting particular groups

24. The Committee regrets the insufficient information provided by the State party on efforts undertaken to prevent children becoming victims of offences under the Optional Protocol, particularly children in vulnerable situations, including Roma children (Mughat and Lyuli), as well as refugee children. The Committee is further concerned that child victims of prostitution appear to be viewed as offenders in the State party, rather than as victims, and are not targeted for prevention efforts.

25. **The Committee recommends that the State party adopt all the measures necessary to prevent and protect all groups of children in a vulnerable situation, including Roma children, migrant and refugee children, from becoming potential victims of offences under the Optional Protocol. The Committee also recommends that the State party adopt the necessary legal and other measures to avoid the criminalization of children.**

VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5-7)

A. Existing criminal or penal laws and regulations

26. The Committee notes the provisions in the Criminal Code relevant to the Optional Protocol, but is concerned that the State party's legislation focuses overwhelmingly on the trafficking of persons, including children, for sexual purposes, while some other offences relating to the sale of children, as defined in articles 2 and 3 of the Optional Protocol, remain insufficiently addressed. The Committee is also concerned that the criminal law in the State party does not define and criminalize all forms of child pornography, including possession.

27. **The Committee recommends that the State party define and criminalize the sale of children, in conformity with articles 2 and 3 of the Optional Protocol, and that it not limit the definition to cases of trafficking in children. In particular, the State party should explicitly define and criminalize:**

(a) **The sale of children through illegal adoption;**

(b) **The transfer of organs of a child for profit;**

(c) **Forced labour by children as a form of the sale of children;**

(d) **Distributing, importing, exporting, offering, selling, possessing or knowingly accessing/viewing child pornography, including virtual child pornography, and suggestive representations of children which do not necessarily depict children engaged in explicit sexual activity.**

B. Impunity

28. The Committee is concerned about the lack of information regarding the number of cases of the sale of children, child pornography, child prostitution and related matters that are investigated and the number of perpetrators who are prosecuted and sentenced.

29. **The Committee recommends that the State party take all necessary measures to ensure that all cases of the sale of children, child prostitution and child pornography are investigated effectively and that perpetrators, including officials complicit in offences under the Optional Protocol, are prosecuted and punished with appropriate sanctions commensurate with the gravity of their crimes.**

C. Extraterritorial jurisdiction and extradition

30. The Committee regrets that national legislation on extraterritorial jurisdiction does not cover all the offences under the Optional Protocol and that extradition is subject to the principle of double criminality.

31. **The Committee recommends that the State party take all necessary measures to ensure that its national legislation enables it to establish and exercise extraterritorial jurisdiction and to include in its extradition treaties the offences under the Optional Protocol, and encourages the State party to take steps to ensure that a dual**

criminality requirement is not used in cases of extradition for offences covered by the Optional Protocol. The Committee encourages the State party to consider the Optional Protocol as the basis for extradition in the absence of a treaty or an agreement.

VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

32. The Committee notes the efforts of the State party in this regard, but is concerned that:

(a) Existing measures for protecting the rights and interests of child victims of offences under the Optional Protocol tend to be limited to trafficking and are thus insufficient;

(b) Law enforcement, border and immigration authorities do not have specific procedures for systematically identifying child victims at borders, or any other location, and providing them with adequate services, particularly referral and protection;

(c) Information on compensation and any other remedies for child victims of offences under the Optional Protocol are insufficient;

(d) Child victims of prostitution may be arrested and prosecuted under the Criminal Code;

(e) Child victims of offences under the Optional Protocol are not de facto capable of seeking compensation for acts committed against them owing to limited support, despite the de jure existence of provisions for such compensation.

33. **In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party strengthen its measures to protect the rights and interests of child victims of all offences under the Optional Protocol and, in particular:**

(a) **Establish mechanisms and procedures for the early identification of child victims, including unaccompanied children, of offences under the Optional Protocol and ensure that the personnel responsible for identification in such cases, including immigration officials, judges, prosecutors, the police, social workers, medical staff and other professionals working with child victims, are trained in children's rights, child protection and child-friendly interviewing skills;**

(b) **Ensure that children who are victims of offences under the Optional Protocol are not subject to treatment or sanctions for offences related to their situation and are given appropriate support;**

(c) **Guarantee the sufficient allocation of funding or in-kind support to provide comprehensive care to child victims and ensure sustainability;**

(d) **Review the relevant laws in order to target users of child victims of prostitution and recognize the legal status of children as victims;**

(e) **Ensure that complaint mechanisms are easily accessible and available to children whose rights have been violated and provide them with assistance in the investigation and prosecution of offences under the Optional Protocol.**

VIII. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

34. **In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring**

countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered by the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.

IX. Ratification of the Optional Protocol on a communications procedure

35. **The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.**

X. Implementation and reporting

A. Follow-up and dissemination

36. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to members of the national parliament and to the districts for appropriate consideration and further action.**

37. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

38. **In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**

United Nations CRC/C/OPSC/TJK/Q/1

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List of issues in relation to the report submitted by Tajikistan under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 16 June 2017. The Committee may take up all aspects of children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please inform the Committee of whether the national courts have invoked the rights contained in the Optional Protocol and please clarify if all the forms of sale of children covered by articles 2 (a) and 3 (1) (a) (i), (b) and (c) of the Optional Protocol have been explicitly defined and criminalized with penalties proportionate to the gravity of the crimes.

2. With reference to the State party report (see CRC/C/OPSC/TJK/1, para. 23), please clarify how effective coordination for implementing the Optional Protocol is ensured among the numerous government departments and agencies that are responsible for various laws, policies and programmes. Please provide information on the efforts made to establish a centralized system for the collection of data covering all offences under the Optional Protocol.

3. Please provide statistical data disaggregated by sex, age, nationality, socioeconomic background and urban or rural location, for the past three years, on the number of reported cases of violations of the Optional Protocol and on the number of child victims of any of the offences covered by the Optional Protocol who have received physical or psychosocial assistance or compensation. Please also provide statistical data on the number of children who have been trafficked from, to or through the State party and of children who have been trafficked within the country.

4. Please provide information on the measures taken to prevent children in vulnerable situations, such as children deprived of a family environment, children in street situations, refugee and asylum-seeking children, children who abuse drugs and working children, from becoming victims of offences under the Optional Protocol. Please also provide information on the efforts made to ensure access to justice to all child victims of the offences covered by the Optional Protocol.

5. Please inform the Committee of the measures taken to raise awareness of and implement legislation against child marriage and to eliminate the practice of girls marrying below the age of 18 years through religious *nikoh* marriages, which might amount to the sale of children.

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6. Please provide information on the measures taken to prevent the sale of children, child prostitution and child pornography, especially when caused by high levels of poverty in the country and the mass labour migration of men abroad, which leaves children in vulnerable situations.

7. Please provide information on the impact and implementation of the 2014 law on countering trafficking in persons and providing support to victims of such trafficking and the measures taken to protect children who have been trafficked abroad. Please explain the steps that have been taken to ensure that all cases of trafficking in children are investigated and that offenders are prosecuted and given appropriate sentences.

8. Please provide further information on the measures taken to protect the rights and interests of child victims and witnesses of crimes under the Optional Protocol at all stages of criminal proceedings. Please also indicate what measures have been taken to ensure that child victims of offences under the Optional Protocol are treated as victims in need of recovery, reintegration and compensation and not treated as criminals.

9. Please clarify whether the legislation of the State party establishes extraterritorial jurisdiction over all the offences under the Optional Protocol. Please also indicate whether the Optional Protocol can be used as a basis for extradition in the absence of a bilateral extradition agreement.

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List of issues in relation to the report submitted by Tajikistan under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Tajikistan to the list of issues*

[Date received: 29 May 2017]

* The present document is being issued without formal editing.

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Replies

To the list of issues in relation to the initial report of Tajikistan on measures taken to implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Question 1

1. The following provisions have been introduced in the Criminal Code in order to implement the Optional Protocol in Tajikistan:

- Article 130[2]. Use of slave labour (section 2 (c) concerning minors);
- Article 131. Unlawful deprivation of liberty (section 2 (e) concerning minors);
- Article 132. Recruitment of persons for exploitation (section 2 (b) concerning minors);
- Article 138. Rape (of minors, section 2 (e) and of persons under 14 years of age, section 3 (a));
- Article 139. Violent acts of a sexual nature (section 2 (e) perpetrated against minors and section 4 (a) against persons under 14 years of age);
- Article 141. Sexual intercourse and other acts of a sexual nature with a person under 16 years of age;
- Article 142[1]. Sexual intercourse, other acts of a sexual nature or depraved acts abusing feelings and religious beliefs (section 2 concerning minors);
- Article 143[1]. Torture (of minors, section 2 (c));
- Article 166. Involving a minor in the commission of antisocial acts;
- Article 168. Giving in marriage of a girl below the minimum age of marriage;
- Article 169. Contracting marriage with a person under the minimum age of marriage;
- Article 172. Unlawful adoption.

2. The Act on combating trafficking in persons and providing assistance to victims of trafficking in persons was adopted in 2014. It provides special safeguards for victims of crimes and other offences related to trafficking in persons.

- Particular arrangements are made for questioning (interviewing) victims that take account of their psychological state, the nature and severity of the offences committed against them and the severity of the harm done to them.
- Unlawful acts committed qua victims of trafficking in persons do not entail administrative or criminal responsibility.
- Information received from victims of crimes and other offences related to trafficking in persons is treated as confidential.
- Cases involving victims of offences related to trafficking in persons are heard *in camera*.
- Special rules apply in order to guarantee victims' safety, including measures for their physical protection, and to ensure the mandatory consideration and settlement of civil claims brought by victims of trafficking in persons under criminal procedural legislation.

3. The legal or other representatives of victims of trafficking in persons must appear in administrative or criminal proceedings in order to protect victims' rights and legitimate interests when, on account of their physical or mental condition, or because they are minors,

they are themselves unable to do so. These representatives are afforded the same rights as the persons whom they represent and in respect of specific categories of children determined by law this also applies to psychologists and, if necessary, teachers.

Question 2

4. Under section 33 (3) of the Act on combating trafficking in persons and providing assistance to victims of trafficking in persons, bodies and organizations responsible for preventing child neglect and juvenile delinquency are obliged, within the limits of their authority, to monitor the rights and legitimate interests of actual and potential child victims of trafficking in persons, to protect them from all forms of discrimination, physical or psychological violence, abuse, ill-treatment, and sexual or other forms of exploitation, and they must immediately report any breaches of the relevant laws which have come to their knowledge in the course of their professional or official duties.

- Procuratorial authorities address violations of the rights and freedoms of child victims of trafficking in persons.
- Children's rights commission address known violations of the rights of child victims of trafficking in persons to education, labour, leisure, housing, et cetera.
- Guardianship and custody bodies identify potential child victims of trafficking in persons, including children without parental care or legal guardians, and those in an environment conducive to their involvement in trafficking in persons.
- Internal affairs agencies identify parents or legal guardians who commit crimes involving children in trafficking in persons.
- Health and social protection authorities identify potential child victims of trafficking in persons who need medical examination, observation or treatment owing to crimes and other offences perpetrated against them in connection with trafficking in persons, as well as those in need of State assistance owing to neglect or homelessness, and they identify families at risk.
- Educational and scientific authorities identify potential child victims of trafficking in persons requiring State assistance because they have absconded from children's homes, boarding schools or other institutions, or play truant from education establishments.
- Youth, sport and tourism authorities identify potential child victims of trafficking in persons who are at risk and therefore need help in organizing recreation, leisure and employment.

5. Under the regulations governing children's rights commissions, approved by a government decision of 25 January 2017, children's rights commissions are established with the aim of fully protecting the rights and legitimate interests of children, including orphans, children without parental care and children requiring State assistance, and of resolving more complex issues related to the observance and protection of the rights and interests of children and the provision of legal, social, material and other forms of assistance to families with children and to children in conflict with the law. To this end, they coordinate the activities of central and local authorities, public bodies, the authorities of self-governing settlements and villages, businesses, institutions and other organizations.

6. In order to improve the quality of statistical information on children without parental care, the Statistics Agency reporting to the President devised and introduced statistics form No. 103-rik for reporting the number of children and adolescents without parental care. This is used to gather information for local authorities that have children's rights units which address custody and guardianship issues. The relevant State bodies submit reports to the Statistics Agency twice a year (biannual and annual reports). The Supreme Court generally submits 18 types of report on judicial statistics to the Statistics Agency.

Question 3

7. Under domestic legislation and the international legal instruments ratified by Tajikistan, child victims of trafficking in persons receive special attention and

comprehensive psychological assistance with their return to normal life. Their ongoing education at secondary specialized and higher education institutions must be ensured.

8. Detailed statistical information on the number of child victims of trafficking in persons is provided in the responses to the list of issues in relation to the combined third to fifth periodic reports of Tajikistan (question 15).

Question 4

9. Between 2014 and 2016, internal affairs agencies conducted a series of investigations which brought to light a number of offences relating to children's rights, of which:

- 7 offences were committed under article 167 of the Criminal Code (trafficking in minors) in 2016 (2015 — 14, 2014 — 9) in the following regions:

  Sughd province — 4 offences (2015 — 3, 2014 — 3);

  Khatlon province — 3 offences (2015 — 7);

  Dushanbe — 0 offences (2015 — 3; 2014 — 1);

  Centrally administered districts — 0 offences (2015 — 1, 2014 — 5);

- 23 offences were committed under article 169 of the Criminal Code (contracting marriage with a person under the minimum age of marriage) in 2016 (2015 — 36, 2014 — 46) in the following regions:

  Sughd province — 6 offences (2015 — 10, 2014 — 16);

  Khatlon province — 11 offences (2015 — 15, 2014 — 16);

  Dushanbe — 2 offences (2015 — 4, 2014 — 3);

  Centrally administered districts — 4 offences (2015 — 7, 2014 — 11);

- 23 offences were committed under article 168 of the Criminal Code (giving in marriage of a girl under the minimum age of marriage) in 2016 (2015 — 93, 2014 — 63) in the following regions:

  Kŭhistoni Badakhshon Autonomous Province — 0 offences (2015 — 0, 2014 — 2);

  Sughd province — 4 offences (2015 — 12, 2014 — 18);

  Khatlon province — 13 offences (2015 — 25, 2014 — 17);

  Dushanbe — 0 offences (2015 — 2, 2014 — 5);

  Centrally administered districts — 5 offences (2015 — 15, 2014 — 21);

- 105 offences were committed under article 141 of the Criminal Code (sexual intercourse and other acts of a sexual nature with a person under 16 years of age) in 2016 (2015 — 110, 2014 — 140) in the following regions:

  Kŭhistoni Badakhshon Autonomous Province — 1 offence (2015 — 1, 2014 — 0);

  Sughd province — 23 offences (2015 — 40, 2014 — 47);

  Khatlon province — 33 offences (2015 — 27, 2014 — 31);

  Dushanbe — 20 offences (2015 — 17, 2014 — 26);

  Centrally administered districts — 28 offences (2015 — 24, 2014 — 35).

10. Detailed information on other measures is presented in the responses to the list of issues in relation to the combined third to fifth periodic reports of Tajikistan.

Question 5

11. Employees of law enforcement agencies and other bodies constantly carry out activities to raise public awareness of legislation prohibiting marriage to minors and to eliminate the practice of giving away in marriage girls of under 18 years of age and

contracting marriage through a nikokh religious ceremony. In 2016 alone, the procuratorial authorities gave 522 public presentations on the issue.

12. The draft national action plan for implementing the recommendations of the member States of the United Nations Human Rights Council provides for a range of measures, including a review of the relevant legislation, under the universal periodic review (second cycle) for 2017-2020.

Question 6

13. Government authorities constantly carry out comprehensive spiritual and ethical educational activities. As part of the steps to implement existing legislation, information campaigns are conducted in educational institutions, public and other places where citizens gather (streets, clubs, cinemas, theatres, etc.) with the involvement of specialists from various levels and institutions, parents and elders. The outcomes are analyzed and on that basis additional precautionary measures are devised to prevent offences committed by minors and young people, including students and school children, and offences against children and minors, as well as to prevent domestic violence, safeguard family values and ensure gender equality. Moving forward, preventive talks will be given and recommendations will be drawn up.

14. There are currently 12 inspectors working in subdivisions of the Ministry of Internal Affairs to prevent domestic violence. They examined 120 complaints in the first three months of 2017, while local police inspectors examined 563 complaints. In the first three months of 2017, 683 complaints were received, of which 132 were against women, 547 were against men and 7 were against minors.

15. At the Academy of the Ministry of Internal Affairs a new training course has been introduced on the prevention of domestic violence. It lasts for 20 academic hours, in addition to 120 hours of optional classes on the elimination of negative gender stereotypes and the prevention of domestic violence.

16. National and international experts held 4 workshops on the subject of specialized training for employees on domestic violence and gender-sensitive activities. Approximately 100 employees of internal affairs agencies attended and participated in the training, and received certificates to that effect.

17. Law enforcement bodies constantly carry out a range of operational, legal and organizational measures intended to prevent, forestall and suppress possible terrorist and extremist activity, as well as its causes. All necessary effective measures are therefore being taken for persons involved, including family members, to return to Tajikistan from areas of armed conflict or military activity. As a result of the measures taken, 17 families (12 men, 17 women, 16 girls and 16 boys) have returned to Tajikistan since 2015, including 2 families in 2017 (3 men, 4 women, 5 girls and 4 boys), along with 61 Tajik citizens who participated, or intended to participate, in armed conflicts in Iraq and Syria. It has been established that there are currently 234 families among the 840 Tajik citizens in Syria, Iraq and other countries with ongoing armed conflicts, of whom 309 are men, 279 are women, 110 are girls and 142 are boys.

Question 7

18. Within the Ministry of Internal Affairs, the department for combating organized crime plays a key role in countering trafficking in persons, assisting victims of trafficking and coordinating the activities of all units at the Ministry. An analysis of offences related to trafficking in minors that have been identified and detected shows the following trend:

Date of the article of the Criminal Code	*2015*	*2016*	*First 3 months of 2017*
Art. 167 (trafficking in minors)	14	7	4

19. An analysis of the victims in criminal cases relating to trafficking in persons shows that the category of citizens at risk could include:

- Orphans;
- Children under guardianship or in the custody of relatives;
- Children (mainly young girls) from disadvantaged families prone to "loose behaviour";
- Children whose parents are unable to provide them with a compulsory nine-year education or who prevent them obtaining it, as well as other young people who do not know their rights and responsibilities, who lack the skills to complete the documentation required for employment or who are in search of higher wages abroad.

20. Victims of trafficking in persons are provided with assistance and the question of their cooperation with law enforcement agencies with the view to identifying and prosecuting the persons who exploited them is resolved. In the event of cooperation, they receive legal assistance in the form of a lawyer's services during the preliminary investigation and trial. Furthermore, on the basis of domestic legislation and the international legal instruments ratified by Tajikistan, particular attention is paid to returning children who have been victims of trafficking in persons to normal life, and they are provided with comprehensive psychological assistance. Their ongoing education must be ensured and assistance is granted for their continued attendance of secondary specialized and higher education institutions.

21. In accordance with the 2006 memorandum on cooperation between the Ministry of Internal Affairs and the International Organization for Migration (IOM), all victims of trafficking in persons who have been traced by law enforcement agencies and who wish to receive rehabilitative care are sent to rehabilitation centres at the IOM mission in Tajikistan.

22. Tajikistan has incorporated the issues of child labour and child trafficking into the National Plan to Combat Trafficking in Persons in Tajikistan 2016-2018, which was approved by a government decision of 27 July 2016. The plan consists of six sections and fifteen measures, including measures on the prevention of trafficking in persons, the criminal prosecution of trafficking in persons, the protection of victims of trafficking in persons and the provision of assistance to them, and combating trafficking in persons, as well as a social partnership to combat trafficking in persons.

23. In order to prevent trafficking in persons and implement the National Plan, in the first quarter of 2017 the Migration Service of the Ministry of Labour, Migration and Employment, together with other actors involved in implementing the above-mentioned Plan at the grassroots level, held 156 meetings, reaching 16,325 people, including migrant workers. Support for the families of migrant workers, and the education and upbringing of children were among the topics discussed at these meetings. In recent years, appropriate measures have been taken towards reintegrating migrant workers who have returned to their homes and families. In 2010, pilot centres were created for the reintegration of migrant workers returning to Tajikistan. After this project was wound up, the functions of the centres were transferred to the employment services. To this end, the Tajik Employment Protection Act was supplemented and amended in 2011, as was in 2012 the government decision of 31 January 2006 on the approval of rules for the provision of consultation services and financial assistance by the State Agency for Social Protection, Employment and Migration to unemployed persons wishing to engage in entrepreneurial activities, under which migrant workers returning to Tajikistan are entitled to microcredit to develop their own businesses. A handbook has been approved on the benefits provided by employment services to migrant workers returning to Tajikistan.

24. From 2012 onwards, steps have been taken under the Tajik Employment Programme to certify the skills of migrant workers returning to Tajikistan and award microcredit for individual entrepreneurship. The Employment for Migrant Workers Programme has been approved with the aim of providing work for migrant workers who are Tajik citizens and banned from entering the Russian Federation. In 2016 and the first quarter of 2017, the Migration Service, together with the Work and Employment Agency, found permanent jobs for 2,163 people out of the total number of individuals temporarily banned from entering the Russian Federation. Furthermore, in order to support migrant workers' families, raise

living standards and prevent trafficking in children, in 2016 and the first quarter of 2017, the Ministry, in cooperation with IOM, awarded over 130 grants to migrant workers banned from entering the Russian Federation, or to their families, under an IOM project.

Question 8

25. Regarding victims of crimes of trafficking in children, it should be noted that, under the Tajik Act on State Protection of Participants in Criminal Proceedings, appropriate security measures can be applied for the victims of offences.

26. A new draft Programme on Reforming the Juvenile Justice System in the period 2017-2021 has recently been drawn up. It provides for the reform of legislation and practices in the juvenile justice system, in accordance with international norms and standards.

Question 9

27. It is not possible to use the Optional Protocol as an instrument for extradition in the absence of bilateral agreements on the extradition of offenders as there is no provision covering extradition procedure or the obligations of States parties regarding the extradition of offenders. In certain cases, this issue can be resolved under other conventions and agreements, in particular the United Nations Convention against Transnational Organized Crime.